

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SHEET METAL, AIR, RAIL AND
TRANSPORTATION WORKERS LOCAL UNION
NO. 137, ET AL,

Plaintiffs,

-against-

METROPOLITAN SIGN & RIGGING CORP. AND
THOMAS MILLER,

Defendants.

ORDER
15-CV-6021 (LDH)(RLM)

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LASHANN DEARCY HALL, United States District Judge:

On September 13, 2016, United States Chief Magistrate Judge Roanne L. Mann issued a report and recommendation (the “Report and Recommendation”) (ECF No. 23), which recommended that Plaintiffs Sheet Metal, Air, Rail, and Transportation Workers Local Union No. 137 (“Local 137”), and trustees for various pension and welfare benefit plans (“Trustees of the Local 137 Funds”) August 22, 2016 motion for default judgment be granted, in part, and denied, in part. (*See* Pls.’ Mot. for Default, ECF No. 20.) Any written objections to the report and recommendation had to be filed with the Clerk of Court within fourteen (14) days of the date of service of the report; responses to any objections were due fourteen (14) days thereafter. *See* Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1)(C).

No objections have been filed to the Report and Recommendation. Where no objections to a report and recommendation have been filed, “the district court need only satisfy itself that there is no clear error on the face of the record.” *Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd.*, 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011) (quoting *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001)) (internal quotation marks and citations omitted). The Court has

reviewed the Report and Recommendation for clear error and, finding none, hereby adopts the Report and Recommendation as the opinion of this Court.

Accordingly, Plaintiffs' motion for default judgment is hereby granted, in part, and denied, in part. Plaintiffs Trustees of the Local 137 Funds are hereby awarded judgment against Defendant Metropolitan Sign & Rigging Corp. in the amount of: (1) \$15,162.55 in unpaid contributions; (2) \$3,032.51 in statutory damages; (3) \$4,725.00 in attorneys' fees and costs; and (4) prejudgment interest in the amount of \$143.84, plus \$4.15 in daily interest on the delinquent contributions (\$4,315.39) from September 10, 2015, through to the date of this judgment. Additionally, Local 137 should be awarded judgment against Defendant Metropolitan Sign & Rigging Corp. in the sum of \$4,470.81 in unpaid contributions. Plaintiffs' motion is denied with respect to Defendant Miller. The Clerk of Court is directed to enter judgment accordingly and close this case.

Dated: March 31, 2017
Brooklyn, New York

SO ORDERED:

/s/ LDH
LASHANN DEARCY HALL
United States District Judge